

### **REMARKS/ARGUMENTS**

The FINAL Office Action of May 21, 2007, an Advisory Action issued July 10, 2007, and the Preliminary Amendment filed August 17, 2007, have been carefully reviewed in connection with an Amendment after Final under Rule 116 and request for reconsideration filed June 22, 2007. A request for continued examination was efiled with a preliminary amendment on August 17, 2007.

The Examiner contacted applicant's counsel and advised that the preliminary amendment is non-compliant because the amendment after final issued June 22, 2007 has been entered. Consequently, claims 1-54 are canceled.

Consequently, applicant's amendment efiled August 17, 2007 can only be entered in part as it contains amendments to canceled claims. Applicant submits this supplemental amendment to add new claims 64-66 replacing claims 43, 44 and 49 as amended from the efiled August 17, 2007 preliminary amendment. Consequently, claims 55-66 are presently pending.

Applicant has been placed in a difficult position since the Supreme Court's decision of *KSR v. Teleflex*. Examiner Their has kindly spoken with Applicant's representative about this application and described that he will be receiving training in examination of issues of obviousness on August 1, 2008. In view of recently published decisions of the Board of Patent Appeals and Interferences, the issue of unobviousness is unsettled. Rather than appeal claims 55-62 as presented in an amendment filed June 22, 2007, Applicant has decided to substantially amend the independent claims consistent with the specification to define gaps between the applied prior art of record and the claimed inventions. Claims 45 and 46 have been cancelled. Claims 55-66 remain pending.

A person having ordinary skill in the art (PHOSITA) of wireless telecommunication is respectfully submitted to be one having a Bachelor of Science degree in electrical or electronic engineering and, for example, one year's experience as an engineer in the art of wireless telecommunication. Keeping this mythical person in mind, it is respectfully submitted that in regard to claim 43 as amended (now claim 64), a gap exists between the prior art as a collection and the claimed invention at least as follows: "the personal wireless telephone and the vehicular

wireless telephone sharing the communication minutes, the predetermined number of short message units and the concierge service under the single wireless service plan, the single wireless service plan further comprising a connectivity service for sharing information between the vehicular wireless telephone and the personal wireless telephone, the connectivity service including the downloading of stored telephone numbers from one of said vehicular wireless telephone and said personal wireless telephone to the other of said personal wireless telephone and said vehicular wireless telephone responsive to an authentication code.”

Chennakeshu et al. teaches a vehicle mounted communications system and, at column 8, “an authorized identification number” but there is no discussion of the rest of the claimed elements. Fitzgerald discusses a car 138 but not the claimed limitations. Marchbanks teaches, for example, a third party paging service and integrated billing, but not as recited. An issue of nonobviousness then may become for the Examiner to decide whether the gaps between the claimed limitations of claim 64 of which the above quoted limitations are exemplary and the prior art taken as a whole is sufficient to render the claim as a whole unobvious.

Claim 44 (now claim 65/64) is patentably distinct for all the reasons that claim 43 patentably distinguishes and further adds the limitation “comprising rerouting a call to a voice mail account of the personal wireless telephone, the call intended for receipt by the vehicular wireless telephone, the rerouting being responsive to detection that the vehicular wireless telephone is not answering the call.” Marchbanks teaches voicemail at Figure 6, item 100 but does not specifically discuss the limitation as recited.

Claim 49 (now claim 66/64) is patentably distinct for all the reasons that claim 64 is patentably distinct. Marchbanks does not teach revenue sharing as recited in claim 66. The Examiner cites Walker for the teaching that revenue may be shared between content providers and service providers. Since claim 66 is dependent on claim 64 as amended, the shared revenue from the “single wireless service plan” as redefined is not disclosed or suggested.

Claim 55 is now amended to clarify a recited voicemail service as supported, for example, at paragraph [62]: “a home location register servicing the vehicular wireless telephone indicating a sharing of the voice mail service of the personal telephone with the vehicular wireless telephone, the home location register instructing a mobile switching center to reroute a

call to a voice mail account of the personal wireless telephone responsive to detection of a no answer by the vehicular wireless telephone of the call,” “the single wireless service plan including a connectivity service for sharing information between the vehicular wireless telephone and the personal wireless telephone.” None of the applied references describe these features among others of claim 55 as amended and taken as a whole.

Claim 56 is allowable for the reasons that claim 55 is allowable. Claim 56/55 is now amended to further recite a “receiver for receiving display image data encoded according to a Moving Pictures Experts Group (MPEG) standard . . . , the connectivity service including relaying calls carrying said MPEG encoded image data to a personal wireless telephone for display responsive to subscriber input,” for example, as supported at page 14 of the specification. The examiner has suggested that a display of Chennakeshu is a display as recited. Amended claim 56/55 goes much farther than Chennakeshu in describing the vehicular telephone’s receiver and display as well as an enhanced connectivity service.

Claim 57 is allowable also for the reasons that claim 55 is allowable. Claim 57/55 now recites particular details of delivering navigation directions “responsive to a comparison of the telephone number of the personal wireless telephone with telephone numbers of a database of personal wireless telephone numbers authorized to receive navigation directions” as supported, for example, at page 23, paragraph [65].

Claims 58, 59 and 61/55 now add the limitation “responsive to receiving a request to share - - - at said (first or second) wireless service provider” depending on the service. See, for example, support throughout the specification where the personal wireless service provider is 121A and the vehicular service provider is 121B. Marchbanks et al ‘401 teaches an integration interface 126 but, per column 6, relates to “new or add-on,” “change,” “cancellation” or “disconnection” and does not appear to relate to a sharing as recited.

Claim 60/55 as amended now recites “the vehicular wireless telephone comprising a larger display than said personal wireless telephone, said connectivity service including electronic mail message sharing responsive to receiving a request for sharing said electronic mail message service at said first wireless service provider.”

Claim 62/55 has been further amended to recite “while the vehicle of the vehicular wireless telephone is being driven, a wireless local area network communication unit of said vehicle being responsive to receipt of a proper activation code” to further distinguish the claim over Rosener et al. The “T28 phone in the repeater over-writes its own identity information with identity information received from wireless device 1011,” per page 5 [0060]. Paragraph [0120] is silent as to any activation code as recited.

Claim 63 is a new independent claim which defines first, second and third call services and a single billing report for a recited sharing of communication minutes, short message units and concierge service under a recited single wireless service plan not taught or suggested by the prior art.

#### CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. A telephonic or personal interview is respectfully requested to further narrow issues in this application as necessary. If for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 624-7325.

Respectfully submitted,

POWELL GOLDSTEIN, LLP

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By: /Thomas H. Jackson/  
Thomas H. Jackson, Registration No. 29,808  
901 New York Ave., 3<sup>rd</sup> Floor  
Washington, D.C. 20001-4413  
Tel: (202) 824-3000  
Fax: (202) 824-3001

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